



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20-24

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1993-0360.005)

Commissioner Lohbauer moves and Commissioner Pikolycky seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

1993-0360.005

Applicant:	Pemberton Township
Municipality:	Pemberton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	July 22, 2020
Proposed Development:	Paving of 2,930 linear feet of three existing stone walking trails at the Nesbit Recreation Complex.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 1993-0360.005 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.


Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Avery	X			Irick	X			Pikolycky	X		
Christy	X			Jannarone		X		Quinn			X
Earlen	X			Lloyd	X			Rohan Green			X
Howell	X			Lohbauer	X			Prickett	X		


*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 14, 2020



 Nancy Wittenberg
 Executive Director



 Richard Prickett
 Chairman



State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY
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SHEILA Y. OLIVER
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General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

July 22, 2020

David A. Patriarca, Mayor (via email)
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Re: Application # 1993-0360.005
Block 812, Lot 16.01
Pemberton Township

Dear Mayor Patriarca:

The Commission staff has completed its review of this application proposing the paving of 2,930 linear feet of three existing stone walking trails at the Nesbit Recreation Complex. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 2020 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Pemberton Township Planning Board (via email)
Pemberton Township Construction Code Official (via email)
Pemberton Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Marianne Risley (via email)



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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

July 22, 2020

David A. Patriarca, Mayor (via email)
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Application No.: 1993-0360.005
Block 812, Lot 16.01
Pemberton Township

This application proposes paving of 2,930 linear feet of three existing stone walking trails at the Nesbit Recreation Complex located on the above referenced 93.68 acre parcel in Pemberton Township. The walking trails will be paved to a width of five feet.

On February 24, 2014, the Commission approved the expansion of an existing recreational facility on the above referenced parcel. That application included the construction of the 2,930 linear feet of five foot wide stone walking trails (App. No. 1993-0360.004).

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28(a))

The proposed development is located in a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Pinelands Regional Growth Area.

Wetlands Standards (N.J.A.C. 7:50-6.6)

There are wetlands located on the above referenced parcel. The CMP provides that no development shall be carried out within 300 feet of any wetland unless the applicant demonstrates that the proposed development will not result in a significant adverse impact on the wetlands in accordance with the criteria contained in the CMP (N.J.A.C. 7:50-6.7(a)). Based upon the results of a Buffer Delineation Model for New Jersey Pinelands Wetlands completed for the development proposed in App. No. 1993-0360.004, the applicant previously demonstrated that the proposed 175 foot buffer to wetlands will not result in a significant adverse impact on the wetlands. The walking trails are located at least 175 feet from wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located over existing stone walking trails. No clearing or soil disturbance is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. As the application does not propose any clearing or soil disturbance, no revegetation has been proposed.

Stormwater Management Standards (N.J.A.C.7:50-6.84(a)6)

The applicant previously demonstrated that the development proposed in App. No. 1993-0360.004 was consistent with the stormwater management standards contained in the CMP. The stone walking trails were classified as an impervious surface in the stormwater calculations submitted for App. No. 1993-0360.004. Therefore, no additional stormwater management is required for this application.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

A cultural resource survey was previously prepared for the above referenced parcel. The cultural resource survey determined that no significant cultural resources existed on the parcel.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on June 28, 2020. Newspaper public notice was completed on June 29, 2020. The application was designated as complete on the Commission's website on June 30, 2020. The Commission's public comment period for this application closed on July 10, 2020. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, prepared by Adams, Rehmann & Heggan Associates and dated May 4, 2020.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



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Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on August 10, 2020 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20-25

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 2000-0637.004 & 2019-0026.001)

Commissioner Lohbauer moves and Commissioner Christy seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Reports and the recommendation of the Executive Director that the following applications for Public Development be approved with conditions:

2000-0637.004

Applicant: New Jersey Department of Environmental Protection
Municipality: Washington Township
Management Area: Pinelands Village
Date of Report: July 23, 2020
Proposed Development: Change in use of a portion of the former Green Bank School in Washington Township to office space for the New Jersey Department of Environmental Protection; and

2019-0026.001

Applicant: NJ Department of Transportation
Municipality: Upper Township
Management Area: Pinelands Rural Development Area
Date of Report: August 10, 2020
Proposed Development: Installation of stream scour countermeasures to reduce erosion at the Mill Creek Bridge on Route 49.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director’s recommendation has been received for any of these applications; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for each of the proposed developments; and

WHEREAS, the Pinelands Commission hereby determines that each of the proposed public developments conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Numbers 2000-0637.004 & 2019-0026.001 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Avery	X			Irick	X			Pikolycky	X		
Christy	X			Jannarone		X		Quinn			X
Earlen	X			Lloyd	X			Rohan Green			X
Howell	X			Lohbauer	X			Prickett	X		

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 14, 2020

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



State of New Jersey

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Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

July 23, 2020

William White (via email)
New Jersey Department of Environmental Protection
Bureau of Natural & Historic Resources
275 Freehold-Englishtown Road
Englishtown, NJ 07726

Re: Application # 2000-0637.004
Block 52.01, Lot 6.02
Washington Township

Dear Mr. White:

The Commission staff has completed its review of this application for a change in use of a portion of the former Green Bank School in Washington Township to office space for the New Jersey Department of Environmental Protection. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 2020 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure
c: Secretary, Washington Township Planning Board (via email)
Washington Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Burlington County Health Department (via email)
William Fleming (via email)



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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

July 23, 2020

William White (via email)
New Jersey Department of Environmental Protection
Bureau of Natural & Historic Resources
275 Freehold-Englishtown Road
Englishtown, NJ 07726

Application No.: 2000-0637.004
Block 52.01, Lot 6.02
Washington Township

This application proposes a change in use of a portion of the former Green Bank School in Washington Township to office space for the New Jersey Department of Environmental Protection (NJDEP). The school is located on the above referenced 15.9 acre parcel. The New Jersey State Park Police will utilize 9,000 square feet of the existing 24,720 square foot school for office space.

On January 14, 2005, the Commission approved the construction of a 24,720 square foot school on the above referenced parcel (App. No. 2000-0637.001). After construction, the school was closed and subsequently purchased by the State of New Jersey.

The NJDEP has expressed an interest in utilizing the remaining 15,720 square feet of the building as an office. By letter dated June 2, 2020, the NJDEP confirmed that no use of the remaining 15,720 square foot portion of the building will occur prior to the completion of an application with the Pinelands Commission. Any such application must demonstrate consistency with all standards of the Pinelands Comprehensive Management Plan (CMP), including the groundwater quality (septic dilution) standard. Based on the acreage of the parcel and the square footage of the existing building which is serviced by an onsite septic system, use of the remaining 15,720 square feet of the building as an office may raise an issue with the groundwater quality (septic dilution) standard.

STANDARDS

The Commission staff has reviewed the proposed change of use for consistency with all standards of the CMP. The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.27)

The parcel is located in the Pinelands Village of Green Bank. The proposed change in use of a portion of the building from a school to an office is a permitted land use in a Pinelands Village Management Area.

Water Quality Standard (N.J.A.C. 7:50-6.83)

The existing building is serviced by an on-site septic system. The applicant has demonstrated that the proposed change in use of the 9,000 square foot portion of the existing building will be consistent with the groundwater quality (septic dilution) standard of the CMP.

PUBLIC COMMENT

The CMP defines the proposed change in use as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on June 29, 2020. The Commission’s public comment period closed on July 10, 2020. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
2. A copy of the Certificate of Occupancy (CO) for the proposed use of the 9,000 square foot portion of the existing building shall be submitted to the Commission. The CO shall specifically limit occupancy to the 9,000 square foot portion of the building subject of this application. The CO shall also indicate that prior to occupancy of any portion of the remaining 15,720 square feet of the building, an application for any proposed change in use of that square footage must be approved by the Pinelands Commission.
3. In accordance with NJDEP’s June 2, 2020 letter, no use of the remaining 15,720 square foot portion of the building shall occur prior to the completion of an application with the Pinelands Commission.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed change of use subject to the above conditions.



State of New Jersey

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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on August 10, 2020 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

August 10, 2020

(Corrected Copy – Revised Cond. #5 on Page 2 of Report)

Brendan Brock (via email)
NJ Department of Transportation
951 Parkway Avenue
Ewing, NJ 08625

Re: Application # 2019-0026.001
Route 49 Mill Creek Bridge
Upper Township

Dear Mr. Brock:

The Commission staff has completed its review of your application for installation of stream scour countermeasures to reduce erosion at the Mill Creek Bridge on Route 49. Enclosed is a copy of a revised Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 2020 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Upper Township Planning Board (via email)
Upper Township Construction Code Official (via email)
Secretary, Cape May County Planning Board (via email)
James Mellett (via email)



State of New Jersey

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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

(Corrected Copy – Revised Cond. #5 on Page 2 of Report)

August 10, 2020

Brendan Brock (via email)
NJ Department of Transportation
951 Parkway Avenue
Ewing, NJ 08625

Application No.: 2019-0026.001
Route 49 Mill Creek Bridge
Upper Township

This application proposes installation of stream scour countermeasures to reduce erosion at the Mill Creek Bridge on Route 49 in Upper Township.

This application proposes the installation of approximately 4,900 square feet of articulated concrete blocks within the stream channel and along the banks adjacent to the existing bridge to prevent soil erosion.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.26(b)10)

The parcel is located in a Pinelands Rural Development Area. The proposed development is permitted in a Pinelands Rural Development Area.

Wetlands Standards (N.J.A.C. 7:50-6.13)

There are wetlands located within 300 feet of the proposed development. The proposed development will be located in wetlands and the required buffer to wetlands. The proposed development will disturb approximately 4,000 square feet of wetlands.

The CMP permits bridges (linear improvements) and improvements associated with bridges, such as soil erosion measures, in wetlands and the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible

alternative to the proposed development that does not involve development in wetlands and the required buffer to wetlands or that will result in a less significant adverse impact to the wetlands and the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetlands and the required buffer to wetlands. The applicant has represented that the proposed stream bank erosion scour countermeasures are necessary to improve the safety of the existing roadway. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located over vegetated road shoulders and within open water. All soil disturbance and clearing is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant does not propose revegetation.

PUBLIC COMMENT

The CMP defines the proposed bridge improvements as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on June 24, 2020. The Commission’s public comment period closed on July 10, 2020. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of eight sheets, prepared by Churchill Consulting Engineers and dated May 21, 2020.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Prior to the construction of any portion of the proposed development which will result in the disturbance of any tidal wetland area, the applicant shall obtain any authorization or permits required by the New Jersey Department of Environmental Protection and the United States Army Corps of Engineers.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on August 10, 2020 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.